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TOWNSEND and TOWNSEND and CREW LLP

By

Linda Shaffer

PATENT

Attorney Docket No. 014939-002500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Eric B. Norman *et al.*

Application No.: 10/821,658

Filed: April 8, 2004

For: DETECTING SPECIAL NUCLEAR
MATERIALS IN CONTAINERS
USING HIGH-ENERGY GAMMA
RAYS EMITTED BY FISSION
PRODUCTS

Customer No.: 20350

Confirmation No. 8774

Examiner: Ricardo J. Palabrica

Art Unit: 3641

RESPONSE TO RESTRICTION
REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement mailed March 28, 2005, Applicants elect, with traverse, to prosecute the subject matter of Group I, claims 1-29, drawn to a process (detecting special nuclear materials). Applicants' election is made with traverse as examination of the subject matter recited in the claims of Groups I and II would not place a substantially greater burden on the Examiner.

Further, in response to the Species Election, Applicants elect the following species for purposes of examination: (A) wherein the irradiating beam comprises neutrons; (C) wherein the neutrons are produced by deuterium; (E) wherein the gamma rays have a half-life shorter than approximately 1 minute; (G) wherein the gamma rays have an energy higher than approximately 3 MeV; (K) wherein the detector comprises a plastic scintillation detector; (L) wherein the detector detects gamma rays after a time period after cessation of irradiation; (N) wherein the gamma ray energy characteristics comprise an energy spectrum; (P) wherein the energy threshold value is approximately 3 MeV; and (R) wherein the half-life threshold value is approximately 20 seconds.

As stated in MPEP § 809.02(a), "[u]pon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR § 1.141."

CONCLUSION

If the Examiner has any questions regarding Applicants' elections, or if the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at (925) 472-5000.

Respectfully submitted,



Babak Kusha
Reg. No. 51,095

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